101-584

Public Law 101-584
101st Congress

An Act

Nov. 15, 1990
[S. 3187]

To address immediate problems affecting environmental cleanup activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Government securities.

42 USC 9619.

SECTION 1. AMENDMENTS.

Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, is amended—

(1) by deleting the period at the end of subparagraph (B) in subsection (e)(2) and inserting "; and";

(2) by adding at the end of subparagraph (B) of subsection (e)(2) the following new subparagraph:

"(C) any surety who after October 16, 1990, and before January 1, 1993 provides a bid, performance or payment bond to a response action contractor, and begins activities to meet its obligations under such bond, but only in connection with such activities or obligations."; and

(3) by adding at the end thereof the following new subsection:

"(g) SURETY BONDS.—

"(1) If under the Miller Act, 40 U.S.C. sections 270a-270f, surety bonds are required for any direct Federal procurement of any response action contract, they shall be issued in accordance with 40 U.S.C. sections 270a-270d.

"(2) If under applicable Federal law surety bonds are required for any direct Federal procurement of any response action contract, no right of action shall accrue on the performance bond issued on such response action contract to or for the use of any person other than the obligee named in the bond.

"(3) If under applicable Federal law surety bonds are required for any direct Federal procurement of any response action contract, unless otherwise provided for by the procuring agency in the bond, in the event of a default, the surety's liability on a performance bond shall be only for the cost of completion of the contract work in accordance with the plans and specifications less the balance of funds remaining to be paid under the contract, up to the penal sum of the bond. The surety shall in no event be liable on bonds to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by a breach of the bonded contract.

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"(4) Nothing in this subsection shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices or procedures. Nothing in this subsection shall be construed as affecting, applying to, modifying, limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgments, claims, statutes of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

"(5) This subsection shall not apply to bonds executed before October 17, 1990, or after December 31, 1992.".

Approved November 15, 1990.

LEGISLATIVE HISTORY—S. 3187:

SENATE REPORTS: No. 101-520 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Oct. 18, considered and passed Senate.
Oct. 26, considered and passed House.

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